

**PART**  
**1**  
**SUMMARY**



The report  
consists of five parts  
including the Summary

**REPORT of the**  
**MARYLAND**  
**COMMISSION**  
  
**on the**  
  
**FUNCTIONS of**  
**GOVERNMENT**

**July, 1975**

**VOLUME I**



PART

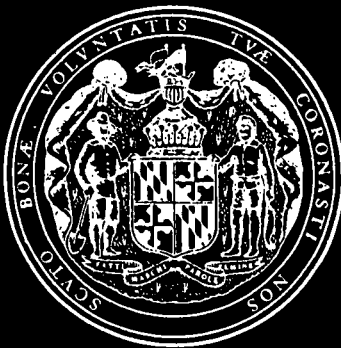
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SUMMARY

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**REPORT of the  
MARYLAND  
COMMISSION  
on the  
FUNCTIONS of  
GOVERNMENT**



The report  
consists of five parts  
including the Summary

**July, 1975**





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July 23, 1975

The Honorable Marvin Mandel  
Governor of Maryland

The Honorable Steny H. Hoyer  
President, State Senate

The Honorable John Hanson Briscoe  
Speaker of House of Delegates

Sirs:

The report of this Commission appointed pursuant to Joint  
Resolution No. 32 of the General Assembly passed during its  
1972 Session is transmitted herewith.

Respectfully submitted,

JOSEPH SHERBOW, Chairman

JOHN W. NEUMANN, Vice-Chairman

Joseph Sherbow  
*Chairman*

John W. Neumann  
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Henry T. Arrington  
William A. Badger  
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*Executive Director*



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JOHN W. NEUMANN, Vice-Chairman

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The Commission expresses its appreciation to Dr. Carl T. Richards, Executive Director, and staff for the quality of research, and their enthusiasm and dedication throughout our study.

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## *Preface*

The Commission on the Functions of Government was created by Joint Resolution No. 32 which was passed by the Maryland General Assembly during its 1972 Session (See Appendix A). In August, 1972, Governor Marvin Mandel appointed the twenty-seven member Commission on the Functions of Government to undertake a comprehensive study of all functions of government, except "public education."

Joseph Sherbow was named Chairman and John W. Neumann, Vice-Chairman. The other members are State Senators, members of the House of Delegates, elected county officials, elected officials of incorporated municipalities, and citizens with expertise in state and local government.

The Commission proceeded to conduct studies which would define those functions of government which should be solely the responsibility of the State, those functions which should be solely the responsibility of the local subdivisions, and those functions which should be jointly performed. In addition, the Commission was given the responsibility of making recommendations as to modifications of intergovernmental fiscal relations necessary to assure adequate resources for the performance of these functions.

The report is divided into the following parts:

- I. Summary
- II. Financing Governmental Functions
- III. Health and Licensing
- IV. Public Safety
- V. Planning and Development

The report presents a series of recommendations by the Commission.



## *Working Procedures of the Commission*

The first two general meetings of the Commission, held on September 29, 1972 and December 15, 1972, were primarily for organizational purposes and to form a consensus as to what the specific tasks of the Commission were, as well as to develop a viable working plan to fulfill its mission. The Chairman and Vice Chairman were directed to employ a staff. The staff developed a three phase approach for the Commission to follow in order to accomplish its assigned task. These broad plans were:

1. Identification and description of the present governmental delivery systems.
2. Study, analyze, and evaluate the existing systems.
3. Conclusion—recommendations and schedule for implementation.

The work of the Commission was expected to be completed in about two and one-half years, but special interim reports would be issued separately from the final report if desirable.

A complete list of governmental functions, with the exception of education, performed at all governmental levels in the State of Maryland was compiled. In order to handle the mass of material that was needed to study and analyze the various functions, this list was then split into two groupings. The Commission was also divided into two Subcommittees, based upon these two groupings of functions, and began preliminary work on the functional areas as defined. Later, all meetings were for the full Commission membership.

Because of the appointment of a special Commission on the Structure and Governance of Education in early 1973, the Commission was specifically requested by Joint Resolution No. 32 not to study matters relating to public education. Also, in order not to overlap or duplicate the work of the newly created Commission on Judicial Reform, channels of communications were opened between the two groups to insure that the work of each group would complement the other. Certain state and local governmental departments, as for example, Budget, Personnel, and General Services were not included within our study because they are basically staff functions.

The Commission Subcommittees met at various intervals, separately and together, to discuss and analyze broad informational reports compiled by the Commission staff. In general, these informational reports are based upon information and data received from the state, county, and municipal governments and other sources.

A total of eighteen information reports (See Appendix B for a list of informational reports) were prepared by the staff for use by the full Commission and for in-depth study and analysis by the specific Subcommittee assigned the particular functional area. After discussing the informational reports, the Subcommittees developed what were called "areas of concern." The "areas of concern" consisted of questions, issues, specific items, or ideas that were thought to be within the purview of the Commission's task and should be developed further.

Most of the functional areas under study by the Commission were considered as a group. Recommendations affecting Social

Services and Elections were made prior to the issuance of this report. The first interim report, dealing with the functional area of Social Services was issued in December, 1973. Parts of the Social Services Report have been implemented through Chapter 709 of the Laws of Maryland, 1974. The result will be the elimination of any fiscal responsibility on the part of local subdivisions as the State assumes the entire responsibility for the Social Services function.

The second interim report concerning the functional area of Elections was published in August, 1974. Administrative recommendations concerning Elections are to be found in that previously published report.

A series of meetings from May 1, 1974 to December 13, 1974 were held by the Commission with state, county, and municipal government officials, as well as interested individuals and groups, after the informational reports had been distributed to them. At the meetings between members of the Commission and state and local governmental officials and other groups, a wide range of problems was discussed. Meetings were held jointly with state and local governmental officials in attendance. Meetings were also held separately for state and local government officials. All meetings were always open to the media and the public.

Between January 18, 1975, and April 18, 1975, a series of meetings were held by the full Commission. Their purpose was to pinpoint specific questions dealing with issue areas within the functional areas studied that evolved from the informational reports and meetings. Tentative proposals for discussion by Commission members were developed. These proposals were then transformed into tentative recommendations accompanied by the rationale for the Commission's stand regarding each tentative recommendation.

A two-day meeting was held at the Donaldson Brown Center, Port Deposit, Maryland on May 14 and 15, 1975. It was at this time that Commission members adopted all the recommendations in this report.

All matters relating to the fiscal responsibilities of governmental units in Maryland, an essential part of the Commission's work, were under constant study. The preliminary plan devised to guide the Commission's work in the financial area was subdivided into two general phases. The initial phase entailed the identification of the intergovernmental fiscal relationships which, as mandated by Joint Resolution No. 32, were to be given consideration by the Commission. The second phase included the compilation, analysis, and evaluation of relevant financial data.

The major part of the financial substructure, which is intergovernmental in nature, is the state aid to local governments. Because state aid to local subdivisions represents an integral part of Maryland's fiscal structure, the Commission directed its attention to a study of the current distribution system. The Logistics Management Institute (LMI), a private, non-profit, research organization with vast experience in analysis and

design of management systems, displayed an interest in this area of our work. As a public service gesture, LMI, without cost to the State of Maryland, agreed to assist the Commission by making a study of the formulas which govern the distribution of revenues from the State to the local jurisdictions. The LMI study focuses on fifty-two statutory formulas which allocate state revenues to augment local financing of services or programs in nineteen subject areas. The findings of the Institute's research efforts and expertise in this area of

governmental finance were published in a two volume report included as Appendix G of Part II of this report.

The Commission compiled a vast amount of information on both the administrative, as well as the fiscal aspects of state and local governmental operations. After much study, analysis, and discussion, the Commission reached a number of conclusions. The recommendations contained in the five parts of this report reflect those conclusions.

### *Acknowledgements*

It is not possible to undertake a study of this size and scope without the help and cooperation of many people. The Commission expresses its appreciation to the officials of state, county, and municipal governments and to those others who cooperated with the Commission's staff in conducting its research. Thanks are also extended to the many governmental officials at all levels who were interviewed or provided, through other means, the material so necessary for the Commission to perform its task. And, thanks also to those officials and other interested citizens who appeared before the Commission during the series of informational meetings.

The Commission wishes to acknowledge the help of Mrs. Ernie Honig, Research Officer of the Executive Department and the Governor's liaison with the Commission. In addition, the Commission wishes to recognize the vital assistance provided it by Mr. Hans Mayer, Administrative Officer of the Executive Department, in budgetary and related matters.

Special thanks and appreciation are extended to the Logistics Management Institute, 4701 Sangamore Road, Washington, D.C., which, as a public service gesture, undertook a study of the methods through which the State provides financial aid to local governments. This study has provided the Commission with important financial material which has helped ease its task considerably and is discussed further in the report.

The Commission is indebted to the Department of Budget and Fiscal Planning and its Secretary, Dr. R. Kenneth Burns, and especially a member of the Commission, Dr. H. Louis Stettler, assistant Secretary of Fiscal Planning; also, the Department of Fiscal Services and its director, William S. Ratchford, II, for their continuous cooperation.

Thanks and appreciation are extended to those individuals who gave freely of their time to assist the Commission, and especially, James R. Bennett, David Gilmartin, and Lucie Lapovsky of the Division of Fiscal Planning in the Department of Budget and Fiscal Planning, and Wells A. Smith from the Department of Fiscal Services. Their assistance was invaluable to the Commission.

# PART I

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## Introduction

The roles of state and local governments have changed and expanded over the past fifty years. Movement of people to the cities and the recent flight from them to the suburbs have brought about new problems. The large number of people coming together to live, work, and pursue common interests, have placed increased demands upon private and public organizations to fulfill their needs and help solve their problems.

In the early 1900's, the limited needs and demands of the citizens of the State were generally met by the local governmental unit (county or municipality) in which they resided. Since most clusters of people were located within the boundaries of municipal corporations, demands for services were placed upon these local governmental units. As the overall state population increased, growth in the unincorporated areas of the counties continued at a rapid rate. While earlier demands for services were placed upon the municipal governments, new demands, which could not be fulfilled by them because of a lack of resources and boundary limitations, were being directed toward other governmental units.

By the second half of this century, demands for services received response from those units of government capable and willing to perform the services. Various governmental units responded to some needs by offering essential services. Continued population growth coupled with residential, commercial, and industrial development within the State of Maryland placed increased demands on all levels of government.

Problems associated with air and water pollution, crime in our streets, and health services to the aged and the needy, and many other activities are not confined to one governmental jurisdiction. Because of the spillover factor, single units of government find it difficult, if not impossible, to control many of the problems. Geographic boundaries which separate one governmental unit from another were much more meaningful years ago than they are today.

The situation has stimulated much concern over what is termed the irrational pattern—or lack of pattern—to be found in American local government. Much of the criticism of local government centers on two areas. The charge is made that local government boundaries drawn up to suit a nineteenth century pattern of transportation and communication are inappropriate for today. Second, the claim is made that technological and social changes, as well as changes in the roles of various units of government, make the traditional units unsuited for contemporary government.

The appropriateness of local governmental boundaries is in reality a political question. Many services performed by governments create side effects that transverse their boundaries. It is important that each unit of government fits into an overall pattern of intergovernmental relations and plays a significant role in maintaining the welfare of the citizens.

Plans full of idealism and promise come crashing down when they meet the hard facts of a practical world. New programs, along with recommendations for changes, must be carefully

scrutinized and examined so that ideals and practicality can mesh.

Government today is beset by layers of red tape—impenetrable at times even to sophisticated citizens. There is a smouldering resentment at the ever continuing increase in the number of employees in government and the constant rise in its costs.

Communication, or rather lack of it, represents one of the most serious problems in government. Public servants are sometimes unwilling to call their counterparts in other agencies or at other levels of government. It must be made clear to all public servants that the public is their boss and public services should not be subject to personality conflicts.

Public opinion takes a long time to crystalize. Ultimately, a climax is reached. Strong leadership must step to the front.

Maryland is in a unique position—financially stable with a strong economic base. Some of the local subdivisions within the State are wealthy from every point of view, while others are poor in their ability to raise needed funds from their own resources.

Strong leadership comes from areas without regard to wealth or poverty. We are hopefully now moving out of a recession, but different problems loom before us. Care must be taken to shape our economic and social development. Maryland has never been "radical" nor has it been "reactionary". The State has accepted innovations and made progress in implementing changes, but at a slower pace than "liberals" want, and at a faster pace than "die hards" accept.

Drastic surgical intervention applied to our state and local governments and their programs are simply not acceptable to the people of Maryland. Citizens demand redress for pressing problems, but they act slowly and carefully where new and unusual remedies are proposed.

There is the contention by some that there is too much concentration of power and resources in the hands of the State. There is the charge by others that the local subdivisions or some of them are not bearing their fair share of the responsibility that is truly governmental.

Counties compare themselves with other counties and Baltimore City and make demands based on their own perspective. The City of Baltimore reminds other governmental units of the days when it bore much more than its own fair share of the load, and now needs help, and that its strength is their strength. On the other hand, a few jurisdictions have large shares of the available wealth. In between are those subdivisions that maintain if there is going to largesse from the State, they too, want to share.

The public wants reassurance that all fiscal decisions are made with careful forethought, rather than inadequate proposals based in part on political expediency. They demand an absolute commitment to prudent fiscal policy.

The lack of good communications between state agencies and their local counterparts, may result in the loss of federal monies

by local government either, (1) because of ignorance as to the existence of such federal funds, or (2) lack of expertise as to the procedure in applying for the funds.

Many counties, as well as municipalities in the State, cannot afford a full-time coordinator of state and federal funds. Through a better system of communications, various kinds of information could be distributed to all levels of government. This information would be helpful in assisting governmental officials determine their priority and enable them to pursue certain activities which would not be possible without easy access to important information.

The Commission has dealt with functions of government, and with fiscal resources and allocations. It is necessary to weigh not only the needs of the State and its subdivisions, but their relative fiscal strengths. The decisions dealing with administrative authority and responsibility, and the intergovernmental fiscal relationship were made in this context.

## *Methodology*

At the December 15, 1972 meeting, the Commission adopted a three phase approach (see Preface) to its responsibilities. This decision by the Commission enabled the staff to develop the research and study techniques necessary for collecting the information for the Commission.

From the outset, it was important that key terms used in discussions concerning functions of government be interpreted the same way. Some of these terms are:

1. *Functional Area*—a broad area of public concern in which a single or number of governmental units may be actively involved or may become involved. A functional area may consist of a single function or a number of related functions.
2. *Function*—is a single area of concern within a functional area encompassing a single program or a number of related programs performed by a governmental jurisdiction on a continuous basis and designed to serve the citizenry rather than maintain the government or justify its existence.
3. *Program*—is an activity with stated objectives directed toward carrying out the goals of a specific function.

As for example:

Functional Area—Public Safety

Function—Police Protection

Program—Protective Patrols

Utilizing these terms as the basis, the following functions and/or functional areas were selected for study by the Commission:

Agriculture	Juvenile Services
Community Development	Licensing and Regulation
Correction	Natural Resources
Economic Development	Planning
Elections	Police Protection
Environmental Control	Public Health
Fire Protection	Social Services

Transportation  
Water and Sewerage  
Regionalism<sup>1</sup>

During the research period, certain items were added while others were dropped. However, the above functional areas were the focus of major study.

The number of governmental units, the time element, and availability of personnel made it impossible to conduct a detailed study of governmental operations of every county and municipality. To assist the staff in its research efforts, however, a selected number of local jurisdictions were chosen to provide an overview of local governmental operations. By so doing, the staff was able to study certain jurisdictions regardless of the particular function being considered. Consideration of functions and the material utilized to research and write informational reports was not dependent, however, upon any particular group of counties and municipalities.

Among those municipalities selected for study were some having special relationships to the counties in which they are located. For example, Salisbury, a major metropolitan area on the Eastern Shore, was a logical area for study because of its special relationship to Wicomico County, as well as its importance as a social and economic center for not only the people of Maryland, but a portion of Delaware. Other factors included the size of the population of a municipality and its operating budget. A small population within a municipal corporation usually meant a small budget, which resulted in fewer, but not less important, functions being performed by government.

## *Collection of Data and Information*

In establishing its data collection techniques, the staff directed its attention to intra and intergovernmental aspects.

With the emphasis on intergovernmental relations, the following questions became important. Which level or levels of government should be involved in a particular function? Does duplication of functions or overlapping of responsibilities occur among various governmental levels concerning particular functions? Is such duplication or overlapping desirable, or a waste of personnel and financial resources? What criteria (if such exist) are there to determine which level of government should be involved in a particular function? What should the level of involvement (policymaking, administrative, funding) of governmental levels be in various functions? What relationship exists, if any, between funding a function and setting policy for or administering a function?

In order to acquire the data necessary for the Commission to make recommendations, the staff devised an "informational packet" which called for information in five basic areas as follows:

<sup>1</sup> Regionalism or Substate Districting is not a separate function according to the Commission's definitions. However, because regional bodies are involved in several functions, the Commission's work included an examination of regional arrangements used to provide services in Maryland.

- a) Background information on the particular function, department, agency, activity, or program.
- b) Organizational arrangement of the department and/or agency.
- c) Responsibilities (objectives) of the department and/or agency.
- d) Legal, operational, and budgetary or financial authority.
- e) Intra and intergovernmental relationships of departments and/or agencies.

The information packets were sent to the appropriate functional agencies in all twenty-three counties, Baltimore City, and a number of municipalities with a request to supply the needed data. The staff traveled throughout the State to conduct follow-up and clarifying interviews with those persons who had replied to the questions, and others who did not answer them. Over 300 persons from state, county, and municipal government and other interested individuals talked with members of the staff.

As a result, eighteen informational reports were compiled by the staff. These reports presented issues and questions for Commission consideration.

In the preliminary plans for the study of governmental finance, the staff established major objectives to guide its research. Those objectives were to identify and obtain an understanding of the intergovernmental fiscal relationships in Maryland.

The staff sought to collect the type of financial data that would bring Maryland's intergovernmental fiscal relationships into focus. These relationships could best be understood within the context of the fiscal structure of each level of government. The staff gathered data reflecting the revenues and expenditures of the State, each county and Baltimore City, and thirty-five municipalities. Financial data of the State were obtained from the annual editions of the *Report of the Comptroller of the Treasury of Maryland*. County and municipal fiscal data were obtained directly from each jurisdiction.

State, county, and municipal financial data were collected for a five-year period beginning with FY-69 and ending with FY-73. Fiscal year 1969 was chosen as the starting point because several changes were made in various taxes during FY-67 and FY-68, and the full impact of those changes was felt by FY-69. Fiscal year 1973 was the last year used in collecting of financial data, because the actual figures reflecting revenues and expenditures for more recent years were not available when the research was conducted.

Fiscal relationships mean money transactions between two or more levels of government. The federal government's role in such transactions was considered.

### ***Identification of Existing State, Local, and Joint Governmental Functions***

After compiling the informational reports and gathering financial data, the staff undertook a further analysis of the collected data. In determining what is a solely state, a solely local, or a joint state-local government function, the staff

sought to identify the current delineation of functional responsibilities. In its analysis, the staff focused on funding, administrative, and policymaking responsibility, and devised the following definitions:

*A solely state function*—a function in which funding, administration, and policymaking are the sole responsibility of state government.<sup>1</sup>

*A solely local function*—a function in which funding, administration, and policymaking are the sole responsibility of county and/or municipal governments.

*A joint state-local function*—a function in which funding and/or administration and/or policymaking is the shared responsibility of the state and local governments.

The first two classifications—solely state and solely local functions—are basically one type of intergovernmental relationship. While several levels of government may be involved or interested in a functional area, only one level of government, either the state or local government, is primarily responsible for the function.

Of the twenty functions under examination, only four could be categorized as solely state. None could be categorized as solely local functions. State and local governments interact and jointly share responsibility for the other sixteen functions.

### ***Comparison of Joint State-Local Functions***

Within functions classified as joint are a variety of state-local government arrangements and partnerships. The term joint does not denote the extent to which each level of government is involved in a function, nor the manner in which the levels of government interact.

To further compare and contrast the sixteen functions, the staff devised a spectrum to show the degree of state and local government involvement in each function (see Exhibit I, page 4). Its purpose was to illustrate the broad contrasts between joint state-local functions, rather than to devise a precise measure of government involvement.

Another spectrum shows the contrasts between the types of state-local government relationships that exist between the several joint functions (see Exhibit II, page 5). In its analysis, the staff defined two distinct types of state-local interaction—joint parallel and joint merged.

1. *Joint parallel function*—a function in which the state and local governments each has independent control over its own functional programs. That is to say, each level of government funds, administers, and makes policy for its functional activities.
2. *Joint merged function*—a function in which the state and local governments combine to fund, administer and make policy for joint endeavors.

<sup>1</sup> Policymaking-responsibility for making major decisions, and establishing standards, guidelines, priorities and objectives.

Administrative responsibility—responsibility for operationalizing or carry-out policy.

*EXHIBIT I*

**SPECTRUM I**

*Extent of State and Local Government Involvement in Each Function*

*Division of Responsibility*

Social Services	Highways		
Juvenile Services	Aviation		
Motor Vehicle Administration	Licensing and Regulation		
Port Administration	Police Protection		
	Corrections		
	Planning		
	Health	Elections	
	Community Development	Water and Waste	
	Agriculture	Water Management	
	Environmental Control	Fire and Rescue Services	(None)
Totally state function	Joint function but with more state involvement than local involvement	Joint function with balanced state and local involvement	Totally local function

## EXHIBIT II

### SPECTRUM II

#### *Spectrum of Joint Relationship*

(None)	Planning Community Development Licensing and Regulation Economic Development	Water and Waste Water Treatment Parks and Recreation Aviation Police Protection	(None)	Correction	Agriculture	Mass Transit	Environmental Control	Public Health	Juvenile Services	Motor Vehicle Administration	Port Administration	Social Services
Solely a lo- cal function	Parallel	Parallel ex- cept for funding.	Parallel ex- cept for administra- tion.	Parallel ex- cept for policymak- ing.	Merged ex- cept for policymaking.	Merged ex- cept for admin- istration.	Merged ex- cept for fund- ing.	Merged	Solely a state function			

These two types of joint activities represent different ends of a spectrum with numerous variations in between. Sometimes, functions cannot be labeled as totally merged or parallel. Therefore, the spectrum includes several combinations and modifications of the two types.

Throughout this report, the terms parallel or merged are

used. This terminology is intended to summarize and assist in understanding the types of state-local arrangements which exist with regard to each function. For a detailed description of the type of funding, policymaking, and administrative responsibility that state and local governments assume in each function, refer to the informational reports in the Appendices of this report.

SUMMARY  
OF  
RECOMMENDATION





## PART II

### *Recommendations Concerning Financing Governmental Functions*

1. *The State should adopt uniform measures and definitions of such terms and factors as wealth, population, and tax effort, used in formulas that comprise the State's revenue distribution system.*
2. *The Governor and General Assembly should direct the Department of Budget and Fiscal Planning and the Department of Fiscal Services to make studies to determine the feasibility of consolidating as many as practicable of the state-shared taxes and state-aid formulas, and publicly report their findings to the Governor and the General Assembly.*
3. *Except for the local piggyback income tax, the income tax and the retail sales and use taxes should be reserved for sole use by the State.*
4. *As soon as feasible, the use of the property tax by the State should be phased out and reserved exclusively for use by local governments.*
5. *As additional revenue is required by the State from tax sources, such additional revenue should be generated through a restructured state income tax and/or the state retail sales tax.*
6. *The State should assume all financial responsibility for the operation of the election offices in the twenty-three counties and Baltimore City. (See text)*
7. *In order to eliminate those programs which are unnecessary, over-extended, or unable to fulfill their original intent, a comprehensive evaluation of all programs at the state and local governmental levels should be conducted by the General Assembly and similar local governmental bodies. The results should be made available to the public. A technique which requires specific justification for the continuance of a program or creation of a new program should be added to the budget process to insure that programs carried out by state and local governments are fulfilling the policy of that particular jurisdiction or level of government.*
8. *If the personal income tax rates are revised upward, they should begin in the net income tax brackets over \$5,000, and at varying percentages in the upper brackets.*



## PART III

### Health and Licensing Recommendations

#### I. Public Health Recommendations

1. Required health programs should be established on a state-wide basis. Minimum health programs and operating standards should be studied and developed by a committee of state and local governmental officials and members of the general public, with a majority representing local government. Such programs and standards should be presented to the State Department of Health and Mental Hygiene (DHMH) for implementation.
2. Minimum health programs and operating standards should be insured by the State through a procedure which provides that: (a) minimum health programs which are important to the State overall should be totally state financed; (b) health programs of more local government concern should be funded completely by local government; and, (c) capital costs involved in delivering health services should be shared by the state and local governments.
3. Emergency health service vehicles should be inspected and licensed. Legislation should be enacted to authorize the Secretary of the Department of Health and Mental Hygiene to establish standards related to health care, and to delegate to local health departments the authority and responsibility to inspect equipment and personnel of all emergency and ambulance services.
4. A survey should be made of all laboratory facilities throughout the State and their activities to determine whether existing laboratories and laboratory work should be consolidated to avoid duplication. A centralized computer system hook-up for laboratory data should be considered.

#### II. Juvenile Services Recommendations

1. The Commission recommends that the Department of Juvenile Services (DJS) become a division within the State Department of Employment and Social Services, co-equal with the other two major divisions—Employment Security and Social Services; (Department renamed Department of Human Resources as of July 1, 1975).
2. The Commission recommends the enactment of legislation which would allow the Department of Juvenile Services to contract with local subdivisions for the provision of primary and/or supplemental services to its clientele.

#### III. Environmental Control Recommendations

1. A new State Department of Environmental Regulation should be created which would be responsible for standard setting and enforcement of matters that effect the environment. Such a department should include all environmental protection duties and responsibilities which concern air quality, noise control, water quality, and solid waste management programs that are currently found within the En-

vironmental Health Administration of the Department of Health and Mental Hygiene, the Water Resources Administration of the Department of Natural Resources, and also within the sediment control portion of the Soil Conservation Service function.

2. The new Department of Environmental Regulation (DER) should be primarily a standard setter and enforcer. The standards should be set by the State with local government cooperation and input. Local government could be given the option of imposing stricter standards, and may also be given the option of inspecting to insure compliance with the standards, or of contracting with the State to perform this activity.
3. All water quality and solid waste environmental planning should be located within the Maryland Environmental Service (a state operating agency) which would remain within the Department of Natural Resources. Also, the processing and awarding of federal and state grants, respectively, (in these two areas) should be placed within the new Department of Environmental Regulation.
4. A Board of Review independent of the head of any new environmental agency should approve standards set; and should hear appeals arising from actions of the new Department of Environmental Regulation, with the right of the parties to appeal to the courts.
5. All environmental related permits should be issued by a single state environmental regulatory agency, (DER) with that agency having the right to delegate to or contract with local government and/or regional agencies to issue such permits and/or perform inspections necessary before and after their issuance.

#### IV. Water and Waste Water Management Recommendations

1. The Maryland Environmental Service (MES) should continue as an operational water and waste water management agency within the State Department of Natural Resources.
2. Local governments should be responsible for the planning of water and waste water treatment facilities. Whenever local governments cannot or refuse to act concerning either necessity for, location of, or type of treatment facility required, the State (MES) should take whatever action is necessary in arbitrating and resolving the problem.
3. Local governments should be encouraged to plan and to construct multi-jurisdictional water and waste water treatment systems.
4. The State should fund total state-local share of water and waste water treatment facility projects which have funding approval (priority approval) and federal financial involvement. An increase in state funding for capital costs concerning non-priority projects should also be made.

5. *Local governments should be responsible for funding all operating and maintenance costs of local water and waste water treatment facilities.*

#### ***V. Licensing and Regulation Recommendations***

1. *The State should assume responsibility for all professional and occupational licensing for regulatory purposes.*
2. *Citizen representation should be provided on all professional licensing boards which are not required to have such representation by current state law.*
3. *A Board of Review should be established within any state department with licensing and regulating powers in order to make recommendations to the Secretaries regarding the operation and administration of all such occupational and professional licensing boards, and to hear complaints or appeals from any person aggrieved by any decision, action, or inaction on the part of any such board, so that due process is guaranteed.*
4. *Departmental secretaries or appropriate agency heads should review the rules and regulations of any occupational or professional licensing boards located within their departments, and make recommendations for change to the licensing boards, the Governor, and the General Assembly.*
5. *Counties and municipalities should retain their power to license, tax, and regulate various services and facilities for the purpose of raising revenue only.*
6. *Licensing and permit activities, wherever possible, at the local government level, should be consolidated into a single issuing officer or office. The officer or office should be responsible for circulating license and permit requests to all state and local agencies that must receive them for processing, e.g., inspection agencies.*

## PART IV

### Public Safety Recommendations

#### I. Correction Recommendations

1. Local governments should continue to be responsible for pre-trial detention and detention until sentencing. The state government should assume all responsibility for post-sentence detention with the provision that the State may contract with local jurisdictions to detain and provide correctional and rehabilitative services for sentenced prisoners.
2. Minimum program and facility standards should be developed and strictly enforced in all state and local jails. If local jails fail to meet established standards, the State should have the authority to intervene and make improvements. The costs of such improvements should be shared by the state and local governments as currently provided by law.
3. The authority of the state jail inspector should be increased to authorize him to inspect all state as well as local penal facilities. The office of the state jail inspector should be separated from the State Division of Corrections and established as an independent office under the Secretary of the Department of Public Safety and Correctional Services.
4. State and local governments should endorse the community corrections concept, and support the establishment of community detention centers in place of traditional state and local correctional institutions. Once the need for a state or local community detention facility is recognized, the affected local government should select the location site according to established state and local guidelines after adequate public notice and public hearings. If, within a fixed time period, no site has been selected, the State should have the authority to intervene and select a site according to established guidelines after adequate public notice and public hearings. Funding for a community correctional center should be by the State. Funding of local community detention centers should follow the funding pattern already established in law for the construction of regional detention centers and the rehabilitation of jails, except both levels of governments should benefit equally from any available federal funds for the construction of facilities.
5. Local correctional personnel should be separate and distinct from law enforcement personnel. Law enforcement personnel should be relieved from all correctional responsibilities except the operation of twenty-four hour lock-ups.
6. Multi-county regional detention facilities should be established wherever practical.
7. Accused persons should be guaranteed the right to a speedy trial—the right to be brought to trial within a fixed number of days.

#### II. Fire and Rescue Services Recommendations

1. County and municipal governments should increase their policymaking, administrative, and financial roles with

- regard to Fire and Rescue Services. State government should maintain a limited role with regard to Fire and Rescue Services and concentrate its efforts in the areas of certain inspections and investigation activities, and establishment of standards for training, apparatus, equipment, and facilities.
2. In geographic areas where the fire and rescue companies do not provide the level of fire and rescue services that is desired, the respective counties and/or municipalities should become involved and insure the necessary services by providing financial assistance to volunteer fire and rescue companies, by providing fire and rescue services directly, or a combination thereof.
  3. Minimum standards for apparatus, equipment, facilities, and training of personnel for all fire and rescue companies should be established by the Secretary of the Department of Public Safety and Correctional Services in cooperation with the Fire and Rescue Services Advisory Council. Minimum standards should take into account such factors as costs and population density. Newly formed fire and rescue organizations should have an appropriate time to attain such minimum standards during which time they could be operational.
  4. All apparatus, equipment, and facilities, both privately and publicly owned, should be inspected annually. The State, in cooperation with the Maryland State Firemen's Association, should develop procedures for carrying out actual inspections.
  5. In situations where fire and rescue companies are unable to meet established minimum standards for apparatus, equipment, or facilities because of financial hardships, the State should establish a policy regarding state assistance, to local governments or otherwise, to bring fire and rescue companies up to the minimum standards. If the State decides to issue bonds to cover needed capital costs only, it should determine how the financial assistance should be distributed, under what terms, and what party should have title to any property acquired as a result of such aid.
  6. A Fire and Rescue Services Advisory Council should be established to assist the Secretary of the Department of Public Safety and Correctional Services and the existing Fire Prevention Commission (whose duties should be expanded and membership increased) develop minimum training standards for all fire and rescue personnel. This Fire and Rescue Advisory Council should assist the Secretary and the Fire Prevention Commission to coordinate all fire, rescue, and ambulance training and educational activities conducted at all training facilities and insure compliance with approved standards. Composition of the Advisory Council should include representatives from interested and related fire and rescue organizations at the state and local government levels and the general public. The Governor should appoint members to represent fire, rescue, and general public interests on

*this Council. The Advisory Council should be attached to the Department of Public Safety and Correctional Services.*

- 7. The State should assume full responsibility for marine based fire protection and provide these services to the Port of Baltimore, City of Annapolis, and other jurisdictions adjoining the Chesapeake Bay which need such services. Marine based fire protection should be modernized and expanded to meet current needs of such service throughout the Chesapeake Bay area.*

### **III. Police Protection Recommendations**

- 1. Police Protection should continue to be a joint responsibility of viable state, county, and municipal law enforcement agencies which are capable of providing adequate service.*
- 2. Municipal police forces should be required to meet minimum police standards within a fixed time period or be required to disband and contract with other police forces for services.*
- 3. To reduce unnecessary fragmentation, small municipalities should be encouraged to consolidate their police forces with*

*contiguous municipal police forces or the county law enforcement agency. If additional police services are desired, the municipalities should contract for these services.*

- 4. To avoid duplication and confusion, state and local police responsibilities throughout the State should be clearly delineated by local government representatives in conjunction with state police officials. Once state and local responsibilities are differentiated, local governments should be given the option to either retain local police to provide designated local police services or contract with other police agencies to fulfill local police responsibilities.*
- 5. Legislation should be enacted to grant State Police the same authority to operate within incorporated municipalities as they have elsewhere in the State, and to enable county law enforcement agencies to operate within incorporated areas located in their respective counties.*
- 6. A police advisory committee composed of state and local police representatives should be established to facilitate structured interagency communication on a continuing basis.*
- 7. The Baltimore City Police Commissioner should continue to be appointed by the Governor of the State of Maryland.*

## PART V

### Planning and Development Recommendations

#### I. Planning Recommendations

1. The Department of State Planning (DSP) should base its planning efforts, to the maximum extent practical, on the plans and research of other state and local governmental agencies and avoid planning independently of these agencies.
2. The Department of State Planning should be responsible for advising state and local governmental agencies of the overall statewide effect of their plans.
3. Where needed, the Department of State Planning should assign more representatives from its existing headquarter's staff to the DSP regional field offices to assist and work with local planning officials on a regular basis.
4. All recommendations concerning any part of the State Capital Improvement Plan should be submitted to the Governor by the Secretary of the Department of State Planning only after submission to the appropriate state, regional, and local government agencies for comment.
5. Except for issues with a multi-jurisdictional impact, local governments should continue to have final planning authority over matters arising within their jurisdictions. Where there is effective regional planning, then the regional planning agency should have final authority in multi-jurisdictional matters. Where the impact goes beyond the regional scope, the State should intervene and settle all such planning matters.
6. Sparsely populated municipalities should be encouraged to consolidate their planning efforts with those of their county, or contract with their county for technical planning assistance.
7. The Commission recommends that the General Assembly provide for committee jurisdictional arrangements whereby the state planning function is explicitly assigned to an existing committee in each house, or a newly created committee or subcommittee. Such committees should have responsibility for reviewing and proposing changes in statewide comprehensive plans proposed for adoption by the state planning agency and for exercising legislative oversight with regard to the relationships among state, regional, county, and municipal agencies.

#### II. Substate Districting Recommendations

1. Where feasible and with regard for topographical or other features, state agencies should be encouraged to utilize common administrative substate districting systems and common regional headquarters. The Department of State Planning should assume a leadership role in implementing this proposal to minimize deviation and work towards maximum commonality.

2. Regional agencies should be encouraged to participate to the maximum extent possible in the A-95 Clearinghouse review of grant requests. The Department of State Planning should assume a leadership role in encouraging this participation.
3. Existing regional agencies or those that are created to operate within multi-county districts should be designated as A-95 Clearinghouses.
4. Municipal governments, and where appropriate, counties should be encouraged, insofar as it is practical, to jointly provide services with adjoining governments.

#### III. Economic Development Recommendation

1. Economic Development should remain a joint parallel function. Within their jurisdictions, local governments should have primary responsibility for economic development. Special economic development projects that have a multi-jurisdictional and/or a statewide impact should be designated a joint state-local responsibility with local governments' control over such projects being limited.

#### V. Transportation Recommendations

1. The planning, and in certain cases, the operational aspects of highway and road construction and renovation, mass transit, and aviation should have strong and active cooperative and coordinated participation by all levels of government.
2. The Five-Year Needs Plan and Twenty-Year Needs Study should become a separate section of a statewide comprehensive transportation plan that encompasses all modes of transportation and types of transit systems. Such a plan should be compiled and annually updated by the State Department of Transportation in cooperation with local government and all other affected state agencies.
3. The Department of Transportation should coordinate transportation planning with the plans of other affected state agencies to identify where transportation planning interfaces, complements, or conflicts with other state agency plans. The Department of Transportation should work with other affected state agencies to reconcile areas of inconsistencies and conflicts.
4. Counties, especially non-urban counties, should consider the relative cost/benefits of discontinuing their road departments (which require large administrative costs and capital investments) and of contracting with the State Highway Administration for services, as six counties currently do.

#### VI. Parks and Recreation Recommendation

1. The Department of Natural Resources through its Parks and Recreation programs should assist all counties and municipalities in developing recreational programs.

## APPENDIX A

Senate Joint Resolution No. 32—By Senator James.

RESOLUTION NO.....

### JOINT RESOLUTION

Senate Joint Resolution establishing a Commission to identify the various functions of government as being either (1) solely State, (2) solely local, or (3) joint State and local, and to make recommendations as to modifications of intergovernmental fiscal relationships necessary to assure adequate resources for the performance of these functions.

1 WHEREAS, There is a need for an in-depth study of the various  
2 functions of government in the State of Maryland, in order to define  
3 those functions which should be solely the responsibility of the  
4 State, those functions which should be solely the responsibility of  
5 the local subdivisions, and those functions which should be jointly  
6 performed, and

7 WHEREAS, Such a study cannot proceed without careful consid-  
8 eration of the intergovernmental fiscal relationships required to  
9 carry out the responsibilities and functions assigned to the State  
10 and its local subdivisions, taking into account the allocation and  
11 sharing of various sources of revenue among the various levels of  
12 government, and

13 WHEREAS, Such a study will require the participation of persons  
14 actively engaged in State and local government and persons who  
15 possess extensive knowledge of the operation and financing of State  
16 and local government; now, therefore, be it

17 *Resolved by the General Assembly of Maryland*, That an in-depth  
18 study be made of the various functions of government in the State  
19 of Maryland, in an attempt to define those functions which should  
20 be solely the responsibility of the State, those functions which should  
21 be solely the responsibility of the local subdivisions, and those  
22 functions which should be jointly performed; and be it further

23 *Resolved*, That such study include careful consideration of the  
24 intergovernmental fiscal relationships (other than those relating to  
25 public education) required to carry out the responsibilities and  
26 functions assigned to the State and its local subdivisions, taking  
27 into account the allocation and sharing of various sources of revenue  
28 among the various levels of government; and be it further

29 *Resolved*, That a Commission be appointed by the Governor to  
30 make the study, with representation from the Senate of Maryland,  
31 the House of Delegates, elected county officials, elected officials of  
32 incorporated municipalities, and persons with expertise in State  
33 and local government finance; and be it further

34 *Resolved*, That the results of this study along with any fiscal  
35 implications should be reported to the Governor and the General  
36 Assembly as promptly as feasible; and be it further

37 *Resolved*, That copies of this Resolution be sent to the Governor  
38 of Maryland, the President of the Senate, and the Speaker of the  
39 House of Delegates.





MARVIN MANDEL  
GOVERNOR

## APPENDIX B

### MARYLAND COMMISSION ON THE FUNCTIONS OF GOVERNMENT

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Carl T. Richards  
*Executive Director*

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December 13, 1973  
August 12, 1974

